Boise News.

PUBLISHED EVERY THURSDAY MORNING, BY

T. J. A. J. S. BUTLER,

Editor and Proprietor.

TERMS INVARIABLY IN ADVANCE.

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3 or six insertions per square	1
Yearly advertisements (half page or more) will be inserted by special contract.	

Agents for the Boise News

Bannock City, W. W. Chapman, Clerk Probate Court.

Rapines City, Papers are left with Jas. Black.

Placerville, Papers are left with Jas. Black.

Placerville, Papers are left with Richard Tyson & Co.

Centerville, " " " J. Dennis.

Denver City, " " " Alfred Evans.

Walla Walla, " " " E. P. Kelly.

Portland, " " " Stark & Co.

Vancouver, " " " W. W. Moore, Clerk Court.

Olympia, " " " J. N. Reynolds.

Portland, " " " Tony Jeff Moore.

San Francisco, " " " Thomas Dryer.

Bannock City, September 25th, 1862.

Advertisements, to insure insertion, must be handed in as early as Monday, and the more desirable notices should be noted on the margin.

Official Directory.

Territorial capital—for the present—at Lewiston.

GOVERNOR—William H. Wallace; Sec. of the Territory—Wm. D. Dunlap; Territorial Auditor, R. F. Lambkin.

U. S. Marshal—Jas. Payne.

BOISE COUNTY—Bannock City, County Seat.

Probate Judge—Daniel McLaughlin; Prob. Atty.—L. N. Smith; Assessor—W. R. Ure; Sheriff—Edward Pinkham; Treasurer—T. C. Kellam; Commissioners—J. Judge; County Commissioner—Frank Moore; J. Smith and M. Murphy.

Justices of Peace—Justice of the Peace—Charles Walker. Constable—J. F.——Tate. Placerville, J. P.——Scraggins.

DR. I. WILLIS,

Surgeon and Dentist,

Office on Main St., Opposite International Hotel.

Call and examine his specimens of new work.

Drs. Raymond & Bellin.

PHYSICIANS AND SURGEONS.

OFFICE in the rear of A. A. Walz' Drug Store,

Montgomery street, Bannock City.

sign of the Mortar.

THE undersigned has on hand and is constantly receiving full and well selected stock of Drugs, Medicines, Chemicals, Paints, Oils, Turpentine, &c. to which we respectfully call the attention of the citizens of Boise and the public generally.

N. B. Drugs put up to prescriptions carefully prepared.

A. A. WALZ, Chemist and Druggist,

Montgomery Street.

GEO. L. GILBERT. GEO. C. BOUGH.

GILBERT & BOUGH,

ATTORNEYS AT LAW,

OFFICE—Main Street, Bannock City, I. T.

September 27th, 1862.

DANIEL McLAUGHLIN,

Attorney and Counselor at Law.

WILL attend to all legal business entrusted to him in Boise County, and will be thankful for a liberal share of patronage.

Main Street below Wall, Bannock City.

F. MILLER,

Attorney and Counselor at Law.

PROMPT attention paid to all professional business entrusted to his care. Charges reasonable.

Bannock City, September 27th, 1862.

A. C. SWIFT. J. MILLER.

SWIFT & MILLER,

ATTORNEYS and COUNSELORS at Law

Will attend to all business entrusted to their care, in Boise County.

Bannock City, September 27th, 1862.—1m3

H. W. O. MARGARY,

LAW OFFICE

CONSULTATIONS EN FRANCAIS.

Bannock City, Boise Co., I. T., Sept. 27, 1862.—1y

M. KELLY.

Attorney and Counselor at Law.

PARTICULAR Attention paid to collections. Office, Fargo & Co's Express Office, Portland, Oregon.

Refer to Hon. Jos. Lane, Hon. Joseph Cross, & Co., on this County.

C. C. HIGBY. R. BLEDSOE.

HIGBY & BLEDSOE,

WHOLESALE and Retail Dealers in Groceries, Provisions, Liquors, Clothing, Boots, Shoes, Hardware, Stationery, &c.

Placerville, corner of Stockade and Gold Street.

CHRISTIAN M. BUTLER

DEALER in Staple Dry Goods, Clothing, Groceries, Boots and Shoes, Liquors Domestic and Foreign, Miners' outfits.

Washington St., Placerville, Sept. 25, 1862.—3m

M. AINSA,

Umatilla, " " " Oregon.

No. 10 Front Street,

COMMISSION MERCHANT, AND DEALER in General Merchandise. Also,

GOODS STORED AND FORWARDED.—No. Sept. 18th, 1862.—3m

JAMES M. BLOSSOM & CO.

Umatilla Landing, " " " Oregon.

WHOLESALE and Retail Dealers in Groceries, Provisions, Dry Goods, Clothing, Boots and Shoes, Hardware, Liquors, Tobacco and Cigars, Stationery, &c. &c. We will sell at the lowest rates for cash.

Sept. 18th, 1862.—3m

If you want Fine Old Honey Distilly call at the Idaho Brewery and Distillery.

Boise News.

VOL. I. BANNOCK CITY, I. T., OCT. 13, 1863. NO. 3.

Poetry.

[For the News.]

At Buena Vista dwells a maiden
Whose face is very pretty;
She came from Cappahosa's grove,
Not far from Hawkbury City.

She'll be a prize for any man,
No matter what his station;
For she is fair as Hebe's bower
By her sweet consumation.

My hand she also can command,
Whenever she chooses proper;
Our nuptials shall be very grand,
With a delicious supper.

So, now, dear maidens, come the day
When we are to be married;
And then I'll write a better lay,
Than this I have buried.

Buena Vista, Oct. 10th, 1863. J. B.

[For the News.]

Listen to J. B.

If the heart, the heart is beautiful,
The rest for the few
I ask not what the form may hide
Of Gaiety or grace
The mind be filled with glowing thoughts,
And the soul with sympathy,
No matter though the face be pale,
And the eye lack brilliancy.

Though the cheek, the cheek be beautiful,
It soon may pass in bloom;
And the form of fairest grace, be crumbled
In the darkness of the tomb.
But the glory of the heart will live,
Through the bloom of life departed—
And the immortal spirit rise
Of a true and noble heart.

For oh! those sweet and kindly thoughts
Have a beauty of their own;
That will be remembered longer far
Than mere's school hues.
Spoiling, but to the hearts and mind
That bids the oppressed go free,
And soothes the woes of the sorrowing one
That voice is sweet to me. J. B. W.

The subject of the following sketch taken from a correspondence to the Boston Journal was a brother of H. M. Walker, Esq., of Placerville, Idaho Ter.:

In the list of killed at Newbern, I notice the name of Lieut. Jas. A. Walker, 9th Regiment, Company A, New Jersey Militia.

Lieut. Walker was a Massachusetts man, a native of Haverhill, where his father, a retired sea-captain, now resides. In his character was combined true courage and indomitable energy to a degree I have never seen surpassed. He qualified at an August however spoiling, but with the most unfortunate results, he contracted the peril, decided as to the best course of conduct, and then with all his energy acted.

In 1859, a mere boy, he crossed the plains to California. An account of the perils he encountered, of the hardship he endured, of his hair-breadth escapes from Indians, robbers, and the innumerable dangers of the overland route in 1859, would form a book of the most thrilling adventures.

During the "reign of terror" at San Francisco, he was a most prominent part; and to his determined and fearless conduct may be attributed in a small degree the preservation of law and order.

Returning, he studied law in New York city, completing his course at the Columbia Law School, and was just entering upon a lucrative practice and a promising profession when the call to arms was sounded throughout the Union.

He was a most fearless patriot, and he was more—no mercenary; for position—but ever ready to sacrifice pecuniary interests, and even life, for his country.

Nothing is more desirable or more miserable than the old age of a passionless life. When the days of youth grow pallid, and his amusements pall with frequent repetition his energies and powers lack by decay of strength, into pretenses—that profession of which he was merely and vaguely, becomes inhabitant—the world falls off from beneath him and he is left, as Homer expressed it, to devour his own heart in solitude and contempt.

LEGAL BLANKS of all descriptions For Sale at the Office. Also, copies of the Boise News sent down up to wrappers ready for mailing.

Mining Laws of the Third District

At a meeting of the miners of Boise, Idaho, held on the 10th day of June, 1862, in Pierce county, Idaho Territory, and adjourned from time, Mr. Murphy chairman, Mr. Hoopes secretary, the following laws were made, and ordered to be published in the Boise News, and posted in Bannock City, Idaho Territory, and in Hatchet Creek, Pierce County, and shall extend eight miles in length and four miles in width, and shall embrace all the mines in said district, and shall continue in force until the Legislature shall make a law for the government of said district, and shall continue in force until such law shall change, or alter, or repeal, the same.

Sec. 1. All claims shall be considered forfeited to the district, if not worked for the space of ten days, (Sundays excepted,) after the expiration of ten days in every after the expiration of said claim, (Sundays excepted,) shall be forfeited.

Sec. 2. Every person shall have the privilege of holding two claims, one by pre-emption, and one by discovery, and one by purchase of the co-owners, or assignee of the co-owners, who will be entitled to a claim in the district, and no more.

Sec. 3. Pre-emption shall consist of one hundred feet square in any direction, and one hundred feet in depth, and shall be marked by a stake, and shall be recorded within twenty days after the expiration of said claim, (Sundays excepted,) shall be forfeited.

Sec. 4. Every person shall have the privilege of one claim by discovery, and shall consist of the co-owners around of water to the mouth, or source of the stream, or creek, or gulch, or gulch, or hillside, and no more.

Sec. 5. Purchase shall consist of one hundred feet square in any direction, and one hundred feet in depth, and shall be marked by a stake, and shall be recorded within twenty days after the expiration of said claim, (Sundays excepted,) shall be forfeited.

Sec. 6. Every person shall have the privilege of one claim by assignment, and shall consist of the co-owners around of water to the mouth, or source of the stream, or creek, or gulch, or gulch, or hillside, and no more.

Sec. 7. Every person holding a claim by purchase, or assignment, shall be entitled to a claim by discovery, and no more.

Sec. 8. Every person who shall commence a claim, and shall not work the same for the space of ten days, (Sundays excepted,) shall be forfeited.

Sec. 9. When disputes shall arise between two or more parties in this district, it shall be lawful for any one party to notify all parties interested, that on a certain day and hour, not less than two days from the time of notice, they will be spoken, but the parties, with the most unfortunate, by the consent of both parties, the Justice of the Peace, Sheriff, or Constable, shall be called, and are appointed to try the case and report judgment, which shall be final, and the party who shall refuse to abide by the decision shall be forfeited.

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Boise News.

TUESDAY, OCTOBER 13, 1863.

The Absorbing Question.

The developments of the last year have demonstrated that this Basin is one of the richest auriferous districts on the continent—considering its general and uniform production; and that it seemed to us field now open to the enterprise of the miner—the question becomes paramount, by what means can mining operations be carried on to the best advantage? The subject is one of first importance, to every man having an interest in the country. The boon and source of the pick and shovel constitute the proportion which has made so much of our wealth. As gratifying as the result may be—seemingly more the work of magic than of the indefatigability and industry of our people—we are scarcely yet on the threshold of our prosperity. But to the same bone and sinew must we look for future advancement. To foster, protect and encourage mining interests, is to stimulate business in every channel—to betide the condition of all classes alike.

The great drawback thus far has been an inadequate supply of water. The question of Capital from Mines's, Gulches and Gravel creeks has not been sufficient for the present mining operations. Although enterprise has been obtained, and is still obtainable, by all disposed to work, yet this obstacle has prevented many of the richest ground from being developed. No system of ditches confined the supply in the above named streams—the tributaries will equal the demand. Means must be devised to bring water from other and more bountiful sources.

Upon this point, all seem in agree that the best feasible scheme would be to bring it through a canal fed by the Payette. The project has been talked of and agitated for some months; but we believe no effective steps have been taken towards carrying it into execution. That capital thus secured would not only be secure, but yield handsome profits, is the opinion of the richest ground from which

LOCAL ITEMS.

MARVEL PUNRIE.—We have seen that as the lightning writes its fiery path on the dark cloud and expires, so the ewe of man, walking amidst the surrounding shades of mortality, gilters a moment through the Dedvine glorm and vanishes from our sight forever.

"But a little the end of man and the expiring hope of fallible mortals." Not all the embers of mortality are feebly glimmering in the socket of existence, religion remains the dark cloud, whose sable shade overshadows of the tomb, and hides hope and joy to mass mortals, and drives the departing spirits the points beyond the tomb to the opaque of eternity. There under it is benignant Heard of God's saving eye, faithful mortals cherish the immortal hope that they will meet again, meet to part no more.

The above beautiful and expressive language is copied from the manuals of the fraternity, and seems peculiarly appropriate as find for reference, for one when the brethren are so frequently called upon to follow to the grave one an another of their associates and to mourn the loss of friends.

On Wednesday last we attended the funeral of a Mr. Lacy, Jr., Carroll, who died at that place on Tuesday. The order of masons was out in very considerable numbers. The day previous was dark, cloudy, and many of the same individuals had assisted in the funeral obsequies of Wm. Hobbs, a member of the order who died at Centerville on Monday last. It is a beautiful thought and comfortable reflection, even in death, to have the dust after the spirit has been disengaged from its tenacious dust, there are those, brought together, who are ever ready to see to it that proper respect is paid to the mortal remains on a day they once so deported themselves in addition to the ordinary rites of silence, religior and burial. The wise and fraternal institution to think the benevolent orders of Masonry and Odd-Fellowship, that the world know an all.

FREE SALT LAKE.—Some fourteen or sixteen teams made their appearance in our streets on Friday, having been three weeks and some days on the road from Salt Lake City. They were loaded with flour, beans, hems, potatoes, onions, beets, turnips, sorghum, chickens, cheese, and almost every article in the grocery and provision line that a modest in the mines. The teams brought down a load of flour to 24 cents. Oregon flour, however, will be bringing 27 cents. We talked with one of the men who seemed to have charge of an outfit of four wagons, which he said contained about seventeen thousand pounds and the others would average about the same which would bring up the aggregate amount of the whole to 65 thousand pounds. They are selling and getting about 60 cents per lb. for nearly every article, except flour, which seems to us must be making money out of the speculation, though our informant says everything is tight in Salt Lake, owing to the great demand at Second Head, and the enormous emigration to Cal. and Oregon, which has taken nearly all their supplies. He is of the opinion that this will be the last shipment from that quarter until after next harvest. We had imagined the hope that growing paper might be shipped from the factory at Salt Lake City cheaper than we get it at present, but are mounted that they do not make enough to supply themselves owing to the scarcity of water to drive the machinery. This paper is some by what is known as the Tin Goodlet route, coming by the Sandy shore Fort Hall and coming down all the way on the north side. The road, they say, is very rough and disagreeable. They intend to return by way of Salmon Falls and up Snake Creek, to the City of Rocks, believing that so far preferable way to travel and the nearer road.

JAMES HUMPHREY is the carrier for the Boise Weekly in Placerville, and is authorized to receive and receipt for subscriptions. R. F. Anderson, the agent, is authorized to receive and receipt for subscriptions to the Boise Weekly in the Centre, Wolf and Grimes' Creek mines. He also carries the paper for sale. Mr. Kelly will receive and receipt for subscriptions for our paper in Placerville—his office is at Wells, Fargo & Co.'s Express office.

GREEN BEAR.—Some one brought a cat home, weighing 140 lbs., to town on Friday and sold it to the butchers. We saw a wagon tire hanging in Jake Rower's "Bannock Market." It looked good and we thought a piece home and tried to "buy that meat" as "opinion out." This is the only specimen of the beef kind we have seen in the country.

WHENCE IS PLACERVILLE.—A wedding took place in Placerville last week, but the names of the parties have not been furnished us. A former husband of the bride, however, took part in the ceremonies and festivities.

Some rascal is supposed to have stolen a bundle of dirty clothes from "Jew-baby Jack," in Placerville, last week, under the impression that he was getting his degree on clean ones. Others are of the opinion that the skirts went to the creek after water, and forgot to come back. They are said to have been good *dirty* clothes.

SUICIDE.—A man by the name of Alvinza Swain, commonly known as Dutch Swain, shot and instantly killed himself, on Friday morning in the Washoe saloon, Placerville, under the following circumstances. Mr. B. Anderson, who keeps the place, had found him the night previous very much intoxicated, and took him into the saloon to sleep. In the morning, before any one else was up, he shoot the Swain scene and went to the bed where Mr. Wolf slept, and took a revolver from under his head. Wolf awoke, discovered him in time to see the rash act, but not in time to prevent it. He hollowed, and ran to the end of long, wide Swain, raising his hat with his left hand, placed the muzzle of the pistol with the right against the right side of his head, and fired. The ball entered the skull, passed through the brain, and came out below the left temple. We saw the remains of the unfortunate a few minutes after, and concluded that he left before the Coroner's jury—which was empanneled—had brought in a verdict, which must have been the conclusion from the above. Swain was a native of Philadelphia, where his father was, we learn, in extensive dealer in drugs. He is the inventor of "Swain's Pancreas." Young Swain had a good rising fortune, from Philadelphia, which he had been trying to sell, in order to raise money to go to California, when he was overcome by his friends than the too free use of liquor.

OBSTINACY.—Coming up the mountain side of Centerville, the other day, we saw a stage stage load of passengers on foot, the stage having broken down on the mountain side. Among others, we recognized and found carrying a saddle, and, perhaps, a little the saddlest man in the diggings. He had left his stage coach passenger aboard, and only four horses. He having the only saddle, concluded he would ride saddle him to horse. Others, however, refused to accede to his demand, but insisted on using his saddle. This he strenuously refused, and was seen lily carrying it on his back to Centerville, a distance of four miles, rather than permit any one else to ride it. Some of the riding horses lacked, rather than give up a horse. We story in Jew's speak, but rather think we have gone over the weekend when it came to carrying the saddle.

RACE.—After Finch discovered that he had placed $87 in his and the hands of the bank, the other night, at Centerville, and had gone in the direction of Grimes' creek, the case to seek he here found. Finch, with the over legs, stamps and clothes; but Finch forgot to take the gold weight, and the other fellow got away. The calculation was, to make the delinquent eat his bogus dust.

ACCIDENTALLY SHOT.—On Tuesday, the unfortunate man, Mr. Hobbs, in the act of selling a pistol, on Sunday, was shot in the leg, by the accidental discharge of the weapon in the hands of another man. The ball, which was a very small one, entered the upper part of the thigh and came out between the hip and lower ribs, doing no further damage than to make a very ugly wound. We saw the effects of the bullet wound, and powder burn where it was fired.

ACCIDENTS.—Our newspaper paper made its appearance in Bannock on Thursday morning, bearing the title "Idaho Union," John Corrigan, editor and publisher. We wish, and others. Anything in the printing line that Corrigan can do, we will warrant can't do, had better not be attempted.

We are under obligations to Mr. Hendricks of North Fork, for a copy of the Oregon Sun of that date. They will be found in this issue of the paper.

NEW ROADS TO CENTERVILLE.—Messrs. Francis & Cornish are making a new road from this place to Centerville. It follows up Elk Creek some distance beyond where the Centerville road crosses it; and then up a gulch to the summit of the mountain, and down another that runs into the head of Centerville. They claim that it is a much shorter and better road than the old one. Gunderson & Co. are also intending to change the location of their route, so as to make it as possible, the steep hill between here and and the toll-house. Too many good roads cannot be constructed.

BOISE BASIN.—Whatever put it into the heads of people to call these mines a basin is more than we can imagine. It seems to us that it would be more in keeping, yet than any other mountain district in the country. We talked about cordillera, after traveling across the "basin," that it is actually what is called a basin, but it is the wrong side up, and we have the seal portion of the "basin," let him well sure in the stage a few times between Boise and Placerville.

Administrators Notice.

NOTICE is hereby given, that all persons having claims against the estate of John B. Williams, deceased, late of Bannock City, Boise county, Idaho Territory, are required to present the same with the necessary vouchers for allowance, within the time prescribed by law, at the office of the Probate Judge, in said city within one year from the date hereof. D. F. Connolly, administrator, Bannock City, Boise Co., Idaho, Ter.

CONTRACTED WEEKLY, BY HIGBY & CO., *Cor. Sansome and Washington Streets and Commercial Row, San Francisco.*

Price Current.

N. B. The prices stated are, for produce, the highest price; for groceries and grocery merchandise the selling prices.

Beans, Mexican	4	Butter, P. L.	50@55
Beans, Pea	4	Butter, Fresh	50@55
Cabbages, Dozen	50	Apples, P. Ib.	50@60
Onions, P. Ib.	4	Potatoes, P. Ib.	2
Hams, P. Ib.	20	Molasses, P. Ib.	2
Bacon, P. Ib.	20	Sugar, P. Ib.	20
Lard, P. Ib.	20	Tea, P. Ib.	2
Salt, P. Ib.	2	Coffee, P. Ib.	2
Flour, P. Ib.	2	Wheat, P. Ib.	2
Do N. O. P. Ib.	2	Barley, P. Ib.	2
Do Sup. P. Ib.	2	Oats, P. Ib.	2
Do Fam. P. Ib.	2	Corn, P. Ib.	2
Do Bran, P. Ib.	2	Hay, P. Ib.	2
Do Middlings, P. Ib.	2	Potatoes, P. Ib.	2
Do Shorts, P. Ib.	2	Onions, P. Ib.	2
Do Rye, P. Ib.	2	Cabbage, P. Ib.	2
Do Buckwheat, P. Ib.	2	Beans, P. Ib.	2
Do Corn Meal, P. Ib.	2	Bacon, P. Ib.	2
Do Hominy, P. Ib.	2	Lard, P. Ib.	2
Do Grits, P. Ib.	2	Salt, P. Ib.	2
Do Rice, P. Ib.	2	Flour, P. Ib.	2
Do Sugar, P. Ib.	2	Do N. O. P. Ib.	2
Do Tea, P. Ib.	2	Do Sup. P. Ib.	2
Do Coffee, P. Ib.	2	Do Fam. P. Ib.	2
Do Wheat, P. Ib.	2	Do Bran, P. Ib.	2
Do Barley, P. Ib.	2	Do Middlings, P. Ib.	2
Do Oats, P. Ib.	2	Do Shorts, P. Ib.	2
Do Corn, P. Ib.	2	Do Rye, P. Ib.	2
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Do Rice, P. Ib.	2	Do

(For the Boise News.)

The Howard Homicide—Full Pur-Particulars!

Mesars. Editors: In the last number of the News there is an article in relation to the killing of a man by the name of Howard, near the north fork of Boise. It is an inaccurate version of the affair, and, at itjlows with a request to any one acquainted with the particulars to furnish them you for publication, I will undertake the task, knowing my information to be reliable.

"The deceased, who went by the name of "Sam Howard," ran away from an English man-of-war, at Victoria, called the "Decanty," during the gold excitement of last winter, and came over to Puget Sound, where Boise first met and acquainted with him. He sent out to Warren's Diggings, upon the news that there had spring. Having come into that locality with a young man who was formerly a shipmate of Boise's and former friendly relations were renewed. Haines got employment with the old man known firm of Maddox & Lansky; Howard, owing to his intemperate and lazy disposition, could not get steady work; and the young man who accompanied Haines into the country, became a "prospecting" party—promising, if successful, to share claims for Haines and Howard, and write back to them where to find him.

On a tributary of the Middle Boise—about one hundred miles from Bannock—good "prospects" as it was supposed, were found. The young man fulfilled his promise by writing to Haines and Howard to join him immediately. Howard had no money to join Haines, having some $350, which he had saved from his earnings, generously agreed to defray Howard's expenses, together with those of a friend of his, (Howard's) who was also in the same circumstances. This latter individual was known by the name of Jackson.

When the trio were upon the eve of starting, Howard asked Haines if he will him have his purse, to run in and settle a ten dollar whisky bill." Haines complied; and when he got his purse, he found it $50 higher. He says that he at this juncture he would have cut the proceeds of Howard, had he not appprehended that by so doing he would have lost his opportunity in the new diggings—the young man was anxious to be on the ground, and Howard, in consequence, was left behind.

Arrived at Bannock, they had to wait for company; and here again the means of Haines were drawn upon, for board, bills, etc.

Finally, they got under way. When they had reached Brown's bar, on the Middle Boise, they were met by parties returning, who advised them to turn back, stating that they had found the new diggings a failure. Haines, who coachded to act upon the advice. Employment was hard to find, while at the time, in hailing by, and he proposed to Howard to go to work and he had earned enough to go to Warren's Diggings, saying that he could not afford to be put to further expense. Howard replied, in effect, that he would not go to work, and that he wish not further assistance from Haines; that he could talk the Bannock merchants, upon his arrival there, into crediting him for all he wanted.

The three then turned back together. Howard gloomy, sullen, and evidently dissatisfied. The first day they traveled and camped with another company. The second day, they traveled alone and camped for dinner four miles this side of South Boise. About noon, Haines disarmed all the balls of his revolver at a mark. Howard then ordered George to go to the canyon, and bring up the pack animal. After Howard and Haines had been alone a few minutes, and while the latter was loading his pistol, Howard jerked a double-barreled shotgun, adding if it was loaded. Haines replied that it was but approximately so, to empty, did not look up when he spoke. Howard had to counsel received an affirmative answer. Then he leveled the gun upon the face of Haines, and discharged both barrels. Haines was momentarily prostrated by the stunning effect of the shock, but then recovered sufficiently to jump to his feet, when, his face streaming with blood, he asked Howard if he intended to murder him. Howard made no reply; but taking the rifle off his arm, over his head, again prostrating him. Haines then tries for the rifle, and wound two, and was running towards a creek close at hand, when Howard jumped and again struck him on the head with the rifle